

**TESTIMONY BY ELIZABETH A. LIEBERMAN, EXECUTIVE DIRECTOR
REPRESENTING THE WALLOON LAKE ASSOCIATION
IN SUPPORT OF HOUSE BILL 4576
BEFORE THE
HOUSE LOCAL GOVERNMENT AND URBAN POLICY COMMITTEE
June 15, 2005**

My name is Elizabeth Lieberman and I am here today as the Executive Director of the Walloon Lake Association, representing its Board of Directors and the interests of the owners of 904 properties on the lake. Walloon Lake is located in Emmet and Charlevoix Counties and has a surface area of 6.9 square miles, with 30 miles of shoreline. The Walloon Lake Association is comprised of 1,025 riparian and non-riparian members.

In the 1993 Jacobs Court of Appeals decision it was ruled that those sections of Lyon Township's road end ordinance permitting boat hoists, lounging, picnicking and sunbathing exceeded the scope of the dedication of the road end use. This ruling imitates public policy held by the State of Michigan today, which clearly places road ends which terminate at a water body and their riparian interests in the public's trust.

On Walloon Lake, several road ends have become private marinas, controlled by associations comprised of off-lake property owners who have usurped the public's interests for private uses, such as the seasonal mooring of their boats. As pressure to get on the lake increases with back lot development, it can be assumed more of the available public road ends will be utilized in this fashion in coming years.

The practice of allowing private individuals to take public trust property needs to be discontinued. The State of Michigan needs to establish state law and enact legislation that sets a statewide standard to protect the public trust interests at road ends.

The proposed House Bill 4576 would set such a standard by re-establishing the rights of the general public and guaranteeing them lawful access to designated road ends. The approval of House Bill 4576 will eliminate the overnight docking or mooring of boats at public road ends, define public access as being ingress and egress only and allow local law enforcement personnel to issue and serve appearance tickets for violations of the above.

Also, House Bill 4576 will not be effective until two years from passage to allow those in violation to seek other options for dockage.

In closing, I would like to reiterate that we are seeking a supportive vote on House Bill 4576.

Thank you for your time.